

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

GABRIELA NIEVES,

Plaintiff,

v.

Case No: 1:20-cv-00320-JMS-DML

CARMEL CLAY SCHOOLS,

Defendant.

**DEFENDANT CARMEL CLAY SCHOOLS' MOTION TO
RESCHEDULE JURY TRIAL SET FOR MAY 23, 2022**

Defendant Carmel Clay Schools, by counsel, hereby files its Motion to Reschedule the Jury Trial that has been set for May 23, 2022, and in support thereof, states as follows:

1. The Jury Trial in this matter is currently set for May 23 through May 27, 2022 at 9:00 A.M. before Honorable Chief Judge Jane Magnus-Stinson.

2. Undersigned counsel was already scheduled to be in a jury trial on May 23 – 25, 2022, in the matter of *Garry Harling v. City of Westfield-Westfield Fire Department*, United States District Court in the Southern District of Indiana/Indianapolis Division, Case No. 1:20-cv-01937-SEB-MPB.

3. The trial in the matter of *Garry Harling v. City of Westfield-Westfield Fire Department* was set by Judge Sarah Evans Barker on October 28, 2020, prior to the date the Court set the trial in this matter.

4. Counsel for Defendant Carmel Clay Schools requests that this Court vacate the Jury Trial currently scheduled for May 23, 2022 and reset for on the next available date on the Court's calendar.

5. This is Defendant's first request for a continuance.

6. This Motion is made in good faith and not for the purpose of delay and was filed as soon as the undersigned learned of the conflict. Further, no party will be prejudiced by the granting of this Motion.

7. On January 13, 2021, the undersigned advised Plaintiff's counsel of the conflict, the intention to file this Motion, and the need to determine if Plaintiff objects to the motion. On January 13, 2021, Plaintiff's Counsel advised, "We strongly object."

WHEREFORE, Defendant Carmel Clay Schools, by counsel, respectfully requests that this Court grant its Motion to Reschedule the Jury Trial that has been set for May 23, 2022, and for all other just and proper relief in the premises.

Respectfully Submitted,

Liberty L. Roberts

Liberty L. Roberts, Atty. No. 23107-49

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Attorneys for Defendant Carmel Clay Schools

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of January, 2021, a true and exact copy of the foregoing was filed electronically via the Court's Electronic filing system. Notice of this filing was sent to the following persons by operation of the Court's Electronic filing system.

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